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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,407	07/22/1999	MANABU OHGA	862.2934	1536

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EXAMINER	
SAJOUS, WESNER	
ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/358,407	OHGA, MANABU	
	Examiner	Art Unit	
	Wesner Sajous	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Remark

This communication is responsive to the amendment dated December 10, 2002. Claims 1-15 are presented for examination.

Response to Amendments/Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Oath/Declaration

2. The Oath of Declaration is again objected to because the signature of the inventor is omitted. A new Oath including the signature of the sole inventor is required in response to this action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 3, the claimed "plural sets of viewing information..." in line 2 introduce new matter into the claim that goes beyond the disclosure as originally filled. The Applicant is required to cancel the claim or remove the new matter feature into the claim in response to this office action.

For examination purpose, the new matter feature is omitted from the claim.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the limitation "wherein such constructions suited ... and suited to general users are available" is unclear and indefinite, for it is uncertain by the recited claimed feature of what exactly the Applicant regards as his invention. Clarification is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-5, and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Statt (5,276,779) in view of Sasaki et al. (Sasaki), Pat No. 6134695).

Considering claim 1, Statt, figs. 1 and 2, discloses an image processing method for performing color process based on color appearance model (114), said method comprises the steps of inputting location information (*i.e., viewing conditions by means of devices 14/112, 114, and 120)* which relates to a positional relation between a viewing subject in a data source side (18) and a viewing subject in a data destination side (18' or 20); and performing the color process based on the color appearance model... (*is met by the functions performed by item 114 of fig. 2, and items 24-30 of fig. 3; see col. 4, line 30 to col. 5, line 10*). See also fig. 4 and col. 7, line 42 through col. 8, line 65.

Statt fails to disclose [a user interface for] setting a parameter of viewing condition [based on the inputted location information].

However, Sasaki in a similar teaches the means for setting a parameter of viewing condition (*i.e., the coding parameters including the perception information unit for a correction level, print resolution and/or dot size and shape of a dot code, see fig. 16*) by means of a user interface (66 of fig. 15). See col. 13, lines 17-20.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Statt to include the input user interface parameter setting means, as taught by Sasaki, in the same conventional manner as the operator input device 14 of Statt. The modification would have been for the purpose of realizing a high-quality code printing that can be performed using a general-purpose printer. See Sasaki col. 1, lines 49-50.

Re claim 2, the claimed "parameter includes a chromatic adaptability condition (114) based on the inputted location information" would have been obvious over Statt

fig. 4, item 128, and 130 in view of Sasaki fig. 15, item 66. Refer to claim 1 for reason of obviousness.

In claim 3, Statt, fig 2, discloses the step of inputting (10) plural viewing information (R, G, B), which relate to a viewing condition (114/26/28) of the data source side (18) and a viewing condition of the data destination side (18' or 20).

In claim 4, Statt discloses the color process comprises color matching processing (col. 1, lines 31-32 or col. 8, lines 43-44) based on profiles (26/28) of the data source side (18) and the data destination side (18' or 20).

As per claim 5, Statt, fig. 1/2, discloses an image processing method having a [user interface] (14) for manually inputting location information (*i.e., viewing conditions*) which relates to a positional relation between a viewing subject in a data source side (18) and a viewing subject in a data destination side (18' or 20), and a user interface (12/14) for manually inputting viewing information which relates to a viewing condition (26), for performing color process (12) on input image data (X,Y,Z) based on a color appearance model (114), said method comprises the steps of and performing the color process based on the color appearance model... (*is met by the functions performed by item 114 of fig. 2, and items 24-30 of fig. 3; see col. 4, line 30 to col. 5, line 10*). See also fig. 4 and col. 7, line 42 through col. 8, line 65.

Statt fails to disclose [a user interface for] setting a parameter of viewing condition [based on the inputted location information and viewing information].

However, Sasaki in a similar teaches the means for setting a parameter of viewing conditions and information (*i.e., the coding parameters including the perception information unit for a correction level, print resolution and/or dot size and shape of a dot code, see fig. 16*) by means of a user interface (66 of fig. 15). See col. 13, lines 17-20.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Statt to include the input user interface parameter setting means, as taught by Sasaki, in the same conventional manner as the operator input device 14 of Statt. The modification would have been for the purpose of realizing a high-quality code printing that can be performed using a general-purpose printer. See Sasaki col. 1, lines 49-50.

Apparatuses claims 8-11 recite features equivalent to and performing the same functions as method claims 1-4, respectively, and are, therefore, subjected to the same rejections and rationale set forth for method claims 1-4.

The invention of claim 12 recites features performing the functions of claim 1 and is similarly rejected, because the system of Statt is computer implemented, and the implemented computer 12 could have included application programs or program codes residing in the computer for executing the image processing method and steps recited in claim 1.

Claim 13 recite features equivalent to and performing similar functions to claim 5, and are similarly rejected, for the system of Statt implement a computer incorporating an application program with computer program codes for executing the image processing method of the system.

9. Claims 6, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Statt (5,276,779) in view of Sasaki et al. (Sasaki), Pat No. 6134695), and further in view of Fisch et al. (Fisch), Pat. No. 5598272.

Regarding claim 6, Statt discloses an image processing method (figs. 1/2) for performing color process (12) on input image data (X,Y,Z) based on a color appearance model (114), comprises the steps of inputting (14) viewing information (*i.e.,*

viewing conditions) which relate to a viewing condition (114/26/28); inputting manual instruction of a user (*by means of device 14*) which relates to a chromatic adaptability (114) based on the inputted location information; and performing color process (12) based on the color appearance model (114).

Statt fails to disclose [a user interface for] setting a parameter of viewing condition [based on the inputted location information and viewing information].

However, Sasaki in a similar teaches the means for setting a parameter of viewing conditions and information (*i.e., the coding parameters including the perception information unit for a correction level, print resolution and/or dot size and shape of a dot code, see fig. 16*) by means of a user interface (66 of fig. 15). See col. 13, lines 17-20.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Statt to include the input user interface parameter setting means, as taught by Sasaki, in the same conventional manner as the operator input device 14 of Statt. The modification would have been for the purpose of realizing a high-quality code printing that can be performed using a general-purpose printer. See Sasaki col. 1, lines 49-50.

Statt and Sasaki fail to disclose the step of adjusting balance and absolute intensity of chromatic adaptability.

Fisch, nonetheless, teaches the step of adjusting balance and absolute intensity of chromatic adaptability. See col. 2, lines 47-60.

Therefore, those of artisan skilled in the art at the time the invention was made would have been motivated to combine the teach of Statt together with Sasaki and further in view of the color balance and the absolute intensity adjustments, as taught by Fisch, in order to allow a user to visually calibrate the color images on the display device. For the teaching of Fisch is complimentary to the teachings of Statt and Sasaki,

and the combination of the three would not depart from the scope of the invention without undue experimentation.

Claim 14 recites features equivalent to claim 6 and is similarly rejected, for a computer program product (12) is incorporated in the system of Statt.

10. Claims 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Statt (5,276,779) in view of Fisch et al. (Fisch), Pat. No. 5598272.

Re claim 7, Statt discloses an image processing method (figs. 1/2) which includes using a user interface (10) for inputting various conditions which relate to color process (12) based on a color appearance model (114), for performing color process (12) on input image data (X,Y,Z) based on the color appearance model (114). See illustrations at fig. 4.

Statt fails to teach the steps of changing construction of components of the user interface in accordance with a user selection, wherein the constructions are suited to a color expert and suited to general users.

Fisch in a similar art teaches the means and concepts for changing construction of components of the user interface in accordance with a user selection, wherein the constructions are suited to a color expert and suited to general users. See col. 2, lines 4-25.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Statt and to include the changing construction of components of the user interface in accordance with a user selection, wherein the constructions are suited to a color expert and suited to general users as taught by Fisch, in the same conventional manner as the image processing computer 12 of Statt. The modification would have been for the purpose of giving the operator of

the system better control of the particular proofing being used. See Fisch col. 2, lines 22-23.

Claim 15 recites features equivalent to claim 7 and is similarly rejected.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to :

Box
Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:
(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

0r:

(703) 308-5359 for informal or draft communications, please label "PROPOSED" or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays between 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

Wesner Sajous - WS

2/18/03

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